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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,167	02/27/2002	James L. Holloway	99-29C1	3854

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EXAMINER	
HUYNH, PHUONG N	

ART UNIT	PAPER NUMBER
1644	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/085,167	HOLLOWAY ET AL.	
	Examiner	Art Unit	
	Phuong Huynh	1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *One* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/27/02* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-43* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

I. The location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 1644, Group 1640, Technology Center 1600.

II. Claims 1-43 are pending.

Election/Restrictions

III. Restriction to one of the following inventions is required under 35 U.S.C. 121:

1. Claims 1-13, and 16, drawn to an isolated polypeptide comprising a first C1q domain comprising a sequence of SEQ ID NO: 3, 10 beta strands, a cysteine residue and a second C1q domain joined to the carboxy terminal of said first C1q domain, classified in class 530, subclass 350.

2. Claim 14, drawn to an isolated polypeptide consisting of amino acid residue 17 to amino acid residue 159 of SEQ IDNO: 2, classified in class 530, subclass 350.

3. Claim 14, drawn to an isolated polypeptide consisting of amino acid residue 160 to amino acid residue 329 of SEQ IDNO: 2, classified in class 530, subclass 350.

4. Claim 15, drawn to a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising a first C1q domain comprising a sequence of SEQ ID NO: 3, 10 beta strands, a cysteine residue and a second C1q domain joined to the carboxy terminal of said first C1q domain and a second portion comprising another polypeptide, classified in class 530, subclass 350.

5. Claim 15, drawn to a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising the amino acid sequence of residues 17-159 of SEQ ID NO: 2 and a second portion comprising another polypeptide, classified in class 530, subclass 350.

6. Claim 15, drawn to a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising the amino acid sequence of residues 160-329 of SEQ ID NO: 2 and a second portion comprising another polypeptide, classified in class 530, subclass 350.

7. Claim 15, drawn to a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising the amino acid sequence of residues 17-329 of SEQ ID NO: 2 and a second portion comprising another polypeptide, classified in class 530, subclass 350.

8. Claims 17-20, drawn to an antibody or antibody fragment that specifically binds to an isolated polypeptide comprising a first C1q domain comprising a sequence of SEQ ID NO: 3, 10 beta strands, a cysteine residue and a second C1q domain joined to the carboxy terminal of said first C1q domain and a method of making said antibody, classified in Class 530, 387.1.

9. Claim 17, drawn to a method of making an isolated antibody that selectively binds to an isolated polypeptide comprising the amino acid sequence of residues 17-159 of SEQ ID NO: 2, classified in class 435, subclass 70.21.

10. Claim 17, drawn to a method of making an isolated antibody that selectively binds to the an isolated polypeptide comprising the amino acid sequence of residues 160-329 of SEQ ID NO: 2, classified in class 435, subclass 70.21.

11. Claim 17, drawn to a method of making an antibody or antibody fragment that specifically binds to an isolated polypeptide comprising the amino acid sequence of residues 17-329 of SEQ ID NO: 2, classified in class 435, subclass 70.21.

12. Claim 17, drawn to a method of making an isolated antibody that selectively binds to the an isolated polypeptide comprising the amino acid sequence of SEQ ID NO: 2, classified in class 435, subclass 70.21.

13. Claim 21, drawn to an anti-idiotype antibody that binds to an isolated polypeptide comprising a first C1q domain comprising a sequence of SEQ ID NO: 3, 10 beta strands, a cysteine residue and a second C1q domain joined to the carboxy terminal of said first C1q domain, classified in class 530, subclass 387.2.

14. Claims 22-34, and 38-43 drawn to an isolated polynucleotide encoding an isolated polypeptide comprising a first C1q domain comprising a sequence of SEQ ID NO: 3, 10 beta strands, a cysteine residue and a second C1q domain joined to the carboxy terminal of said first C1q domain, vector, host cell comprising said polynucleotide, and a method of producing said polypeptide, classified in class 526, subclass 23.1; class 536, subclass 24.1, and class 435, subclass 252.3.

15. Claim 35, drawn to an isolated polynucleotide molecule consisting of a contiguous sequence of nucleotides from nucleotide 1 to nucleotide 1357 of SEQ ID NO: 1 and the complementary thereof, classified in class 526, subclass 23.1.

16. Claim 35, drawn to an isolated polynucleotide molecule consisting of a contiguous sequence of nucleotides from nucleotide 210 to nucleotide 1196 of SEQ ID NO: 1 and the complementary thereof, classified in class 526, subclass 23.1.

17. Claim 35, drawn to an isolated polynucleotide molecule consisting of a contiguous sequence of nucleotides from nucleotide 258 to nucleotide 1196 of SEQ ID NO: 1 and the complementary thereof, classified in class 526, subclass 23.1.

18. Claim 35, drawn to an isolated polynucleotide molecule consisting of a contiguous sequence of nucleotides from nucleotide 258 to nucleotide 686 of SEQ ID NO: 1 and the complementary thereof, classified in class 526, subclass 23.1.

19. Claim 35, drawn to an isolated polynucleotide molecule encoding a polypeptide consisting of amino acid residues 17 to 159 of SEQ ID NO: 2, the complementary thereof, and degenerate nucleotide sequence thereof, classified in class 526, subclass 23.1.

20. Claim 35, drawn to an isolated polynucleotide molecule encoding a polypeptide consisting of amino acid residues 160-329 of SEQ ID NO: 2, the complementary thereof, and degenerate nucleotide sequence thereof, classified in class 526, subclass 23.1.

21. Claim 35, drawn to an isolated polynucleotide molecule encoding a polypeptide consisting of amino acid residues 17 to 329 of SEQ ID NO: 2, the complementary thereof, and degenerate nucleotide sequence thereof, classified in class 526, subclass 23.1.

22. Claim 35, drawn to an isolated polynucleotide molecule that remains hybridized following stringent wash conditions to a polynucleotide consisting of the nucleotide sequence of SEQ ID NO: 1 or the complement thereof, classified in class 526, subclass 23.1.

23. Claim 36, drawn to an isolated polynucleotide encoding a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising a first C1q domain comprising a sequence of SEQ ID NO: 3, 10 beta strands, a cysteine residue and a second C1q domain joined to the carboxy terminal of said first C1q domain and a second portion comprising another polypeptide, classified in class 526, subclass 23.1.

24. Claim 36, drawn to an isolated polynucleotide encoding a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising the amino acid sequence of residues 17-159 of SEQ ID NO: 2 and a second portion comprising another polypeptide, classified in class 526, subclass 23.1.

25. Claim 36, drawn to an isolated polynucleotide encoding a fusion protein a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising the amino acid sequence of residues 160-329 of SEQ ID NO: 2 and a second portion comprising another polypeptide, classified in class 526, subclass 23.1.

26. Claim 36, drawn to an isolated polynucleotide encoding a fusion protein consisting essentially of a first portion wherein the first portion consisting of isolated polypeptide comprising the amino acid sequence of residues 17-329 of SEQ ID NO: 2 and a second portion comprising another polypeptide, classified in class 526, subclass 23.1.

27. Claim 37, drawn to an isolated polynucleotide consisting of the sequence nucleotide 1 to nucleotide 987 of SEQ ID NO: 4, classified in class 526, subclass 23.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Groups 1-8 and 13-27 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the products as claimed (polypeptide, fusion protein, antibody, anti-idiotype antibody and nucleotide) differ with respect to their binding specificity, structure and physiochemical properties. Further, a prior art search also requires a literature search. It is a burden for the examiner to search more than one invention. Therefore, they are patentably distinct.

Inventions of Groups 9-12 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the methods of making distinct antibody using distinct using the distinct products that differ with their respect to their structure. Therefore, they are patentably distinct.

Inventions of Groups (1-8 and 13-27) and Groups (9-12) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the products as claimed can be used in materially different process such as binding assays. Therefore, they are patentably distinct.

4. Because these inventions are distinct for the reasons given above and the searches are not co-extensive, restriction for examination purposes as indicated is proper.

5. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong Huynh "NEON" whose telephone number is (703) 308-4844. The examiner can normally be reached Monday through Friday from 9:00 am to 5:30 p.m. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

7. Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center telephone number is (703) 305-3014.

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Technology Center 1600
October 20, 2003

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